

# VIRGINIA BOARD OF OPTOMETRY NEWS FOCUS



November 2008

## President's Message

*Technology continues to enhance service for the Virginia Board of Optometry. Online renewal makes it easier to renew licenses **and** Professional Designations which both require renewal at the end of the calendar year. The Board's website provides a host of information on a broad range of issues (<http://www.dhp.virginia.gov/optometry>). There are links to general health practitioner and optometric laws and regulations, and information on meetings, guidance documents, how to file a complaint, previous newsletters, applications and forms, and a Board Frequently Asked Question section, highlighted below.*

Choose a topic to find out more (CTRL+ click to follow link):

[Application process](#)  
[Address/e-mail change](#)  
[Closing practice](#)  
[Continued Competency](#)  
[Drug Law](#)  
[Fees](#)  
[License verification](#)  
[Medical Records](#)  
[Prescribe for self & family](#)  
[Register a Professional Designation](#)  
[Renewal process](#)  
[Retention of Patient Records](#)

[Information related to the July 1, 2006 prescription blank changes](#) (from the Board of Pharmacy)

*Another convenient resource on the Board website is the License Lookup feature. It enables a search by anyone of the public information on any regulated health care practitioner by name, profession or license number. You can determine whether the practitioner has a current license and if there has been disciplinary action. You can even view and download notices and orders. If you have any questions contact the Board office at [optbd@dhp.virginia.gov](mailto:optbd@dhp.virginia.gov).*

Sincerely yours,

*David H. Hettler, C.D.*

## Members of the Board

<b>David H. Hettler, OD</b> <b>President</b> Oakton Second term expires 6/30/2010	<b>Paula H. Boone, OD</b> <b>Vice President</b> Portsmouth Second term expires 6/30/2009	<b>Gregory P. Jellenek, OD</b> <b>Secretary-Treasurer</b> Chesapeake, VA Second term expires 6/30/2012	<b>Jonathan Noble, OD</b> Ashland, VA First term expires 6/30/2011	<b>W. Ernest Schlabach, OD</b> Harrisonburg, VA Second term expires 6/30/2012	<b>Jacquelyn S. Thomas</b> Citizen Member First full term expires 6/30/2011
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## Board Calendar for 2009

The schedule for calendar year 2008 will be established by the Board at its November 13, 2008 meeting. Also note that the calendar will be posted on the Board's "Meeting & Minutes" website:

[http://www.dhp.virginia.gov/Optometry/optometry\\_calendar.htm](http://www.dhp.virginia.gov/Optometry/optometry_calendar.htm)

The location for all meetings is:

Perimeter Center  
9960 Mayland Drive, Second Floor  
Richmond, Virginia 23233

The calendar is subject to change. To confirm a meeting, please contact the Board office at 804-367-4508 or e-mail at [optbd@dhp.virginia.gov](mailto:optbd@dhp.virginia.gov).

### **License Renewal deadline approaching. . .**

*The renewal deadline for TPA and non-TPA Optometry licenses and Professional Designations is **December 31, 2008**. Continuing education requirements must be met or an exception granted prior to December 31st. By mid-November each year, the renewal forms are mailed to the address of record. Make sure that the Board office has your correct address.*

## License Lookup & Board Statistics by David Hettler, O.D.

### Statistics

#### Licensure

Between FY 2007 and FY 2008, there has been an increase in all license and permit holders, with the exception of Optometrists that do not hold TPA certification. The details are below:

License Type	FY 2007	FY 2008	Change
TPA Optometrist	1142	1235	8%
Non TPA Optometrist	249	237	-5%
Volunteer Registration Optometrist	0	11	1100%
<b>Total Optometrists</b>	<b>1391</b>	<b>1483</b>	<b>7%</b>
Professional Designations	147	211	44%
<b>Grand Total</b>	<b>1538</b>	<b>1694</b>	<b>10%</b>

#### Discipline

During FY2008, the board adjudicated 53 cases. Of these, 10 were closed with findings of violation. Confidential Consent Agreements resolved 12 additional cases. As indicated in the President's Letter, specifics concerning Board disciplinary actions in FY2008 as well as public information on all Board of Optometry licensees may be found through "License Lookup" on the Boards website: Virginia Board of Optometry - Home Page.

<http://www.dhp.virginia.gov/Optometry>

## **Association of Regulatory Boards of Optometry (ARBO)**

*by W. Ernest Schlabach, O.D.*

ARBO, what is it? Created under another title in 1919, the Association of Regulatory Boards of Optometry is the federation of state, provincial, and territorial boards of optometry throughout North America. As stated in its Bylaws, its purpose is to

*... exchange information and engage in programs and joint activities relating to the professional education, licensure and continuing education of optometrists, to improve reciprocal relations and help in solving the mutual problems of member Boards, and to engage in other activities as the Association may determine, for the purpose of improving the standards of the profession, the delivery of health services and the services of the regulatory licensing agencies, all for the welfare and protection of the general public.*

The following provides a direct link to the ARBO website: <http://www.arbo.org>

Through the years, ARBO has enabled a number of initiatives programs in accordance with its mission. For example, in collaboration with the Association of Schools and Colleges of Optometry, a 1949 ARBO resolution resulted in the creation of the National Board of Examiners in Optometry (NBEO), the entity that develops the national optometric licensure examination. Currently, at least two ARBO members sit on NBEO board to monitor and report to ARBO on its activities.

In 1995, ARBO created the Council on Professional Education (COPE), the national clearinghouse for optometric continuing education (CE) courses of a state-wide, regional or national scope. COPE was created to help state boards with evaluating the CE

that optometrists use for license renewal and to allow the CE providers to have courses evaluated one time instead of fifty plus. Currently, there are approximately 110 course reviewers nationwide who evaluate course subject matter and content and lecturer qualifications relative to the area being addressed.

More recently, ARBO has put in place a service called "OETracker," a registry of individual optometrist's CE hours. ARBO has also recently worked on another area of interest that will make license portability a simpler experience. This should be especially helpful to military optometrists who may need to relocate or any other licensee wanting to practice in another state. ARBO is currently a participant with the Joint Task Force trying to devise a program to establish "Board Certification." While this in no way endorses the concept of board certification by ARBO, ARBO is at the table representing the state boards and part of the discussion.

## **Use of the Word "Physician"**

*by Jonathan Noble, O.D.*

In some states the issue of the use of "physician" or "optometric physician" has been an issue. Currently, the Virginia Board of Optometry, Regulations §18VAC105-20-40 (1) states:

*It shall be deemed unprofessional conduct for any licensed optometrist in the Commonwealth to violate any statute or regulation governing the practice of optometry or to fail to: 1.) Use in connection with the optometrist's name wherever it appears relating to the practice of optometry one of the following: the word "optometrist," the abbreviation "O.D.," or the words "doctor of optometry."*

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And, the Code of Virginia §54.1-3204(6) states that:

*It shall be unlawful for any person: . . . 6.) to publish or cause to be published in any manner an advertisement that is false, deceptive, or misleading, contains a claim of professional superiority or violates regulations of the Board governing advertising by optometrists.*

As such, using the term "physician" in any part of the title used to represent oneself to the public as an optometrist could constitute grounds for disciplinary action.

As always, it is a great idea to periodically review the statutes and regulations pertaining to the practice of optometry and to the laws pertaining to general health practitioners.

### **Professional Designation**

*by Paula Boone, O.D.*

A Professional Designation (or PD) is a title used to hold oneself out to the public other than one's own personal name. These titles must first be reviewed and approved by the Board of Optometry before use. This requires an application process and fee. Regulation §18VAC105-20-50 outlines the instructions for compliance. Sanctions for violations of this regulation have ranged from a Confidential Consent Agreement (CCA) for the first offense to over a \$1,000 fine and additional sanctions for subsequent offenses. Most violations have been associated with failing to meet one or more of the following three requirements:

1.) Any title must contain an OD derivative and must be displayed as registered in its entirety (including all signage, printed advertisements, letterhead, business cards, etc.);

2.) An application must be submitted for all locations of practice; and

3.) The Professional Designation permit must be renewed annually per location (now December 31<sup>st</sup> of each year).

There are over 200 registered PD's in the state. You may review the current list at [www.dhp.virginia.gov](http://www.dhp.virginia.gov). Select "License Lookup", "Occupation – Professional Designation", and "Current". To make the application process easier, applications and instructions and other guidance is available for downloading from on the Board's website ([www.dhp.state.va.us/optometry](http://www.dhp.state.va.us/optometry)). If you have any questions, you may contact the Board office via e-mail at [optbd@dhp.virginia.gov](mailto:optbd@dhp.virginia.gov) or telephone at (804) 367-4508. But remember, while the staff is happy to assist you with questions and can direct you to certain information, they cannot interpret the regulations nor offer legal advice.

### **Transfer of Patient Records**

*by Gregory P. Jellenek, O.D.*

The transfer of patient records either by closure, sale, or relocation of a practice is probably an area of Optometric regulation that is not followed very closely. Notification applies to "current patients" as defined as a patient encounter with the provider or his practice during the two year period immediately preceding the date of record transfer. Relocation is defined as the moving of a practice more than thirty miles away within the borders of the State of Virginia or moving out of state.

Notice of records transfer must first be attempted, by mail, at the patient's last known address, and by publishing prior notice in a newspaper of general circulation within the provider's practice area. This

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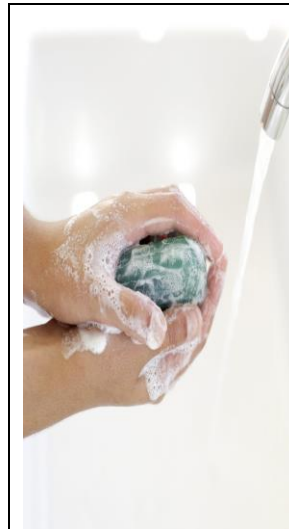
notification shall specify that the records or copies will be sent in a reasonable amount of time. Also, the notice must disclose any associated fees. These fees cannot exceed the actual costs of copying, mailing, or delivering of these records.

Reference: §54.1-2405 of the *Code of Virginia* & §18 VAC 105-20-40.5 of the Regulations of the Virginia Board of Optometry.

### **Culturally and Linguistically Appropriate Services (CLAS)**

DHP licensees are encouraged to make their practices more culturally and linguistically accessible. Helping Non-English speakers navigate the health system is a result of Presidential Executive order 13166, mandating improved access to services for persons with Limited English Proficiency (LEP).

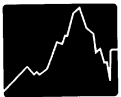
The [Virginia Standards on Culturally and Linguistically Appropriate Service](#) (CLAS) acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding Limited English Proficiency and language services at a time of increasing diversity in the state. For more information follow the above link to the Department of Health's CLAS Act Virginia website.



*Healthcare acquired infections (HAI's) are on the rise. One of the best ways to prevent transmission is to ensure that hands are always thoroughly washed before coming in direct contact with any patient.*

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